

U.S. Department of Justice  
United States Marshals Service

Case 5:08-cv-00741-JF

Document 13

Filed 07/17/2008

Page 1 of 4

6/30/08

PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal"  
on the reverse of this form.

ENTERED

PLAINTIFF

Marc Dawson

COURT CASE NUMBER

08-741-JF

DEFENDANT

S. Latham, et al

TYPE OF PROCESS

see below

SERVE



NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN  
M. Edwards, Pelican Bay State Prison

ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)

AT

5905 Lake Earl Dr. (PO Box #7000) Crescent City, CA 95531

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

Marc Dawson P 13296  
High Desert State Prison  
PO Box 3030 B3-209L  
Susanville, CA 96127

Number of process to be  
served with this Form - 285

2

Number of parties to be  
served in this case

6

Check for service  
on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include business and alternate addresses, All  
Telephone Numbers, and Estimated Times Available For Service):

Filed  
JUL 17 2008

1. Complaint

2. Order of Partial Dismissal an of Service; Directing  
Dispositive Motion or Notice Regarding Such Motion

RICHARD W. WIEKING  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

Signature of Attorney or other Originator requesting service on behalf of:

Sandy Morris

☒ PLAINTIFF  
☐ DEFENDANT

TELEPHONE NUMBER

408-535-5361

DATE

5/14/08

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total  
number of process indicated.  
(Sign only first USM 285 if more  
than one USM 285 is submitted)

Total Process

2

District  
of Origin

No. 11

District  
to Serve

No. 11

Signature of Authorized USMS Deputy or Clerk

*[Signature]*

Date

5/24/08

I hereby certify and return that I ☐ have personally served, ☒ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described  
on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and dis-  
cretion then residing in the defendant's  
usual place of abode.

Address (complete only if different than shown above)

Date of Service

7/8/08

Time

U.S. Mail pm

Signature of U.S. Marshal or Deputy

*[Signature]*

Service Fee

\$400

Total Mileage Charges  
(including endeavors)

Forwarding Fee

Total Charges

\$400

Advance Deposits

Amount owed to U.S. Marshal or

\$400

Amount of Refund

REMARKS

05/30/08 MAILED U.S. MAIL

07/17/08 Received acknowledgement of service

EXECUTED

SDO 442 (Rev. 04/08) Civil Summons

# UNITED STATES DISTRICT COURT

for the

Northern District of California

MARC C DAWSON

Plaintiff

v.

S LATHAM

Defendant

Civil Action No. CV 08-00741 JF

## Summons in a Civil Action

To: (Defendant's name and address)

M. Edwards, Pelican State Prison  
5905 Lake Earl Dr. (PO Box 7000)  
Crescent City, CA 95531

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Marc Dawson (P13296) High Desert State Prison  
PO Box 3030 B3-209L  
Susanville, CA 95127

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Richard W. Wierking

Name of clerk of court

Sandy Morris

Deputy clerk's signature

SANDY MORRIS

Date: May 14, 2008

EXECUTED

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

AO 440 (Rev. 04/08) Civil Summons (Page 2)

**Proof of Service**

I declare under penalty of perjury that I served the summons and complaint in this case on 7/8/08,  
by:

(1) personally delivering a copy of each to the individual at this place, \_\_\_\_\_;  
\_\_\_\_\_; or

(2) leaving a copy of each at the individual's dwelling or usual place of abode with \_\_\_\_\_  
who resides there and is of suitable age and discretion; or

(3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is  
\_\_\_\_\_; or

(4) returning the summons unexecuted to the court clerk on \_\_\_\_\_; or

⑤ other (specify) Received acknowledgment of service  
\_\_\_\_\_  
\_\_\_\_\_.

My fees are \$ 4.00 for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

Date: 7/15/08

[Signature]  
\_\_\_\_\_  
Server's signature

Danilo Hernandez Jr USMS  
\_\_\_\_\_  
Printed name and title

UNITED STATES MARSHALS SERVICE  
280 SOUTH FIRST STREET ROOM 2100  
SAN JOSE, CA 95113

\_\_\_\_\_  
Server's address

EXECUTED

U.S. Department of Justice  
United States Marshals Service

# NOTICE AND ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT BY MAIL

United States District Court  
for the NORTHERN District of CALIFORNIA

TO: M. EDWARDS  
PELIAN BAY STATE PRISON  
5905 LAKE EARL DR. (PO BOX 7000)  
CRESCENT CITY, CA. 95531

Civil Action, File Number 08-741-JF

MARC. DAWSON  
v.

S. LATHAM ET AL

The enclosed summons and complaint are served pursuant to the Federal Rules of Civil Procedure.

20 You MUST COMPLETE the acknowledgment part of this form below, AND RETURN COPIES 1 AND 2 to the sender within days. An envelope has been enclosed for this purpose. Keep copy 3 for your records.

YOU MUST SIGN AND DATE THE ACKNOWLEDGMENT ON ALL COPIES. If you are served on behalf of a corporation, unincorporated association (including a partnership), or other entity, you must indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

If you do not complete and return copies 1 and 2 of this form to the sender within \_\_\_ days, you (or the party on whose behalf you are being served) may be required to pay any expenses incurred in serving a summons and complaint in any other manner permitted by law.

If you do complete and return copies 1 and 2 of this form, you (or the party on whose behalf you are being served) must answer the complaint within \_\_\_ days of the date those documents were sent. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

I declare, under penalty of perjury, that this Notice and Acknowledgment of Receipt of Summons and Complaint By Mail was mailed on this date.

5/29/08  
Date of Signature

[Signature]  
Signature (USMS Official)

## ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT

I declare, under penalty of perjury, that I received a copy of the summons and of the complaint in the above captioned manner at

Street Number and Street Name or P.O. Box No.

City, State and Zip Code

[Signature]  
Signature

Harry T. Gower  
PRINT

attorney/Calif Attorney General  
Relationship to Entity/Authority to Receive

EXECUTED

Service of Process

July 8, 2008  
Date of Signature